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7  
8 Attorneys for Defendants  
Rock Vault Tours, Inc.  
and Harry Cowell  
9

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 JOHN PAYNE, an individual,  
13  
14 Plaintiff,

15 vs.

16 ROCK VAULT TOURS, INC., a Delaware  
corporation; NAV-LVH, LLC, a Nevada  
17 limited liability company d/b/a/ LVH-LAS  
VEGAS HOTEL & CASINO; WESTGATE  
18 RESORTS, INC., a Florida corporation;  
HARRY COWELL, an individual; and  
DOES I – X and ROES I – X,  
19  
20 Defendants.

Case No. 2:14-cv-01196

**JOINT NOTICE OF REMOVAL**

Clark County District Court  
Case No. A-14-703302-C

21 Defendants Rock Vault Tours, Inc., NAV-LVH, LLC d/b/a/ LVH-Las Vegas Hotel &  
22 Casino, Westgate Resorts, Inc., and Harry Cowell all jointly remove this action from the Eighth  
23 Judicial District Court for the State of Nevada to the United States District Court for the District of  
24 Nevada.

25 **I. Introduction**

26 This action was filed on July 1, 2014 in the Eighth Judicial District Court of the State of  
27 Nevada. Plaintiff claims to be a famous British musician best known as the lead singer and bassist  
28 of the rock-and-roll band “Asia.” Plaintiff claims to have co-created, written, and copyrighted the

1 format and script for a show called “Raiding the Rock Vault,” which Plaintiff alleges he performed  
2 in and Defendants operate at the LVH Hotel & Casino in Las Vegas, Nevada. Plaintiff claims that  
3 Defendants have infringed Plaintiff’s alleged copyrights in the show’s format and script and that  
4 Defendants have breached two contracts with Plaintiff – one related to Plaintiff’s performance in  
5 the show and the other related to royalties Plaintiff claims to be entitled to.

6 The Complaint purports to allege claims for copyright infringement, breach of contract,  
7 breach of the implied covenant of good faith and fair dealing, unjust enrichment, defamation  
8 and/or slander, infringement of the right of publicity, and seeks, among other forms of relief,  
9 declaratory and injunctive relief.

## 10 **II. This Court Has Federal Question Jurisdiction**

11 This Court has original and exclusive federal question jurisdiction, pursuant to 28 U.S.C. §  
12 1331 and 28 U.S.C. § 1338, over Plaintiff’s copyright infringement claim. This Court also has  
13 supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over Plaintiff’s remaining state law  
14 claims.

## 15 **III. Removal Is Timely**

16 A. This action was filed on July 1, 2014 in the Eighth Judicial District Court of  
17 the State of Nevada.

18 B. Defendant Rock Vault Tours, Inc. was served on July 2, 2014.

19 C. Defendants NAV-LVH, LLC d/b/a/ LVH-Las Vegas Hotel & Casino, and  
20 Westgate Resorts, Inc. were served on July 3, 2014.

21 D. Defendant Cowell has not yet been served).

22 E. A notice of removal must be filed “within thirty days after the receipt by the  
23 defendant, through service or otherwise, of a copy of the initial pleading . . . or within thirty days  
24 after the service of summons upon the defendant . . . .” *See* 28 U.S.C. § 1446(b). Given that the  
25 initial pleading was filed on July 1, 2014 and served on July 2 and 3, 2014, removal is timely.

## 26 **IV. The Defendants Have Met All Other Requirements For Removal**

27 A. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 29  
28 U.S.C. § 1132(e).

B. Removal is proper pursuant to 28 U.S.C. §§ 1441 and 1446.

C. The Defendants have attached to this notice copies of all process, pleadings and orders filed in the Eighth Judicial District Court of Nevada prior to the filing of this Notice of Removal. (Ex. A.)

D. The Defendants have concurrently filed a copy of this notice in the Eighth Judicial District Court of Nevada.

E. Plaintiff has been served with a copy of this notice.

DATED: this 22nd day of July, 2014.

LEWIS ROCA ROTHGERBER LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2014, I filed the foregoing document entitled NOTICE OF REMOVAL with the Clerk of the Court via the Court's CM/ECF system and caused a true and accurate copy of the same to be served via first-class, United States mail, postage prepaid, upon the following counsel of record:

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Dated this 22nd day of July, 2014

/s/ Rebecca J. Contla

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